



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,840	10/30/2003	Rainer Weisbrodt	WSP219US	9134
7590	12/15/2004		EXAMINER	
Simpson & Simpson PLLC 5555 Main Street Williamsville, NY 14221			PICKARD, ALISON K	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/696,840	WEISBRODT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	<i>UW</i>
	Alison K. Pickard	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose an embodiment where the protective layer and stiffening ring are a single piece of metal. In fact, the specification discloses that when metal is used for the stiffening ring, the protective layer is PTFE.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5, 6, 9, 10, and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Reid (2,859,061).

Reid discloses a sealing ring having an elastically deformable base ring 2 and a one-piece protective layer and stiffening ring 3 made of PTFE. As seen in Figures 3-6, the stiffening ring is provided at either the inner or outer edge of the base ring and has a height less than the greatest

height of the base ring. The stiffening ring has a greater firmness than the base (col. 4, lines 37-38).

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheesley (3,531,133).

Sheesley discloses a sealing ring having an elastically deformable base ring 23 and a stiffening ring 21 or 22 at either an inner or outer circumferential edge of the base ring. The stiffening rings are firmer than the base ring and made of metal or plastic.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheesley.

Sheesley does not disclose that the stiffening ring is made of stainless steel. This is a design choice. The selection of a known material based on its suitability for its intended use is not considered inventive. See *In re Leshin* 125 USPQ 416 (CCPA 1960). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to make the stiffening ring from stainless steel.

8. Claims 5-7, 9-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheesley in view of Hobson (2,580,546).

Sheesley does not disclose a protective layer over the base ring. Hobson teaches using a protective layer of PTFE over a deformable base ring of a sealing ring to provide chemical and

thermal resistance. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the ring of Sheesley with the protective layer taught by Hobson to provide the seal with chemical and thermal resistance.

9. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheesley as applied to claim 4 above, and further in view of Hobson.

Sheesley does not disclose a protective layer over the base ring. Hobson teaches using a protective layer of PTFE over a deformable base ring of a sealing ring to provide chemical and thermal resistance. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the ring of Sheesley with the protective layer taught by Hobson to provide the seal with chemical and thermal resistance.

10. Claims 3, 4, 7, 8, 11, 12, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid.

Reid does not disclose that the one-piece protective layer and stiffening ring is metal, i.e. stainless steel. Using this material is considered a design choice. The selection of a known material based on its suitability for its intended use is not considered inventive. See *In re Leshin* 125 USPQ 416 (CCPA 1960). Further, it is known that a sealing ring with a deformable base ring can be covered in a metal as evidenced by Wiener '852. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to make the protective layer/stiffening ring from metal, such as stainless steel as a matter of choice in design.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 703-305-0882. The examiner can normally be reached on M-F (10-7:30), with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alison K. Pickard  
Primary Examiner  
Art Unit 3676

AP